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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Roger Tsien Docket No.: 39754-0891 CPC1CP1
Serial No.: 09/865,291 Group Art Unit: 1647
Filing Date: May 24, 2001 Examiner: Hunnicutt, Rachel Kapust
For: **EMISSION RATIO METRIC INDICATORS OF PHOSPHORYLATION**

TERMINAL DISCLAIMER UNDER 37 CFR § 1.321(c)

Commissioner for Patents
PO Box 1450
Alexandria, Virginia. 22313-1450

Dear Sir:

1. The owner, The Regents of the University of California, having a principal place of business at 1111 Franklin Street, 5th Floor, Oakland, California 94607-2000, represents that it is the owner of the entire right, title and interest in the invention disclosed and claimed in the above-identified patent application, as recorded with the United States Patent and Trademark Office at reel 012588 and frame 0464 and at reel 012588 and frame 0471. The Regents of the University of California is also the owner of the entire right, title and interest in the invention disclosed in U.S. Patent Application Serial No 09/794,308, as recorded with the United States Patent and Trademark Office at reel 012624 and frame 0527 and at reel 012624 and frame 0535. The Regents of the University of California is also the owner of the entire right, title and interest in the invention disclosed in U.S. Patent Application Serial No 09/866,538, as recorded with the United States Patent and Trademark Office at reel 012585 and frame 0530 and at reel 012585 and frame 0458.

The Regents of the University of California hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application with claims directed to the subject matter of pending claim 147, which would extend beyond the

expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of a patent having claims directed to the subject matter of claim 84 of U.S. Patent Application Serial No. 09/794,308 and issued from that application. The Regents of the University of California also hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application with claims directed to the subject matter of claim 103 of U.S. Patent Application Serial No. 09/866,538 and issued from that application. The owner hereby agrees that any patent so granted on the instant application with claims directed to the subject matter of pending claim 147 shall be enforceable only for and during such period that it and such patent(s) issuing from U.S. Patent Application Serial No. 09/794,308 and from U.S. Patent Application Serial No. 09/866,538 are commonly owned. This agreement runs with any patent granted on the instant application, and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term of such a patent issuing from U.S. Patent Application Serial No. 09/794,308 or from U.S. Patent Application Serial No. 09/866,538 as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, or in the event that it later is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole, or terminally disclaimed under 37 C.F.R. 1.321; has all claims canceled by a re-examination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

2. For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

3. I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code, and that such willful false statement may jeopardize the validity of the application or any patent issued thereon.

4. The undersigned is an attorney of record.

5. The Commissioner is authorized to charge any fees, including any fees for extension of time, or credit overpayment to Deposit Account No. 08-1641 (Attorney Docket No.: 39754-0891 CPC1CP1). A duplicate copy of the transmittal letter accompanying the present Terminal Disclaimer is enclosed.

Respectfully submitted,



James A. Fox
Reg. No. 38,455

Date: December 6, 2004

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